

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

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4 DEBRA SPERO, as Natural Mother of V.S., an infant,
5 Plaintiffs,

6 - vs -

7 VESTAL CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION; VESTAL
CENTRAL SCHOOL DISTRICT; JEFFREY AHEARN, Superintendent
8 of Schools; ALBERT A. PENNA, Interim Principal of Vestal
High School; DEBORAH CADDICK and CLIFFORD KASSON, in
9 their Individual and Official Capacities,
10 Defendants.
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Examination Before Trial of DEBRA

14 SPERO, held at The Law Firm of Frank W.

15 Miller, 6575 Kirkville Road, East Syracuse,

16 New York on March 6, 2019 before Catherine M.

17 Darche, Court Reporter and Notary Public in

18 and for the State of New York.
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Job No. CS3236399
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1 Q. How long did you live there?

2 A. I lived there for two years.

3 Q. Where did you live before that?

4 A. In Binghamton.

5 Q. Do you remember the address?

6 A. Yes.

7 Q. What was it?

8 A. 20 Grand Boulevard.

9 Q. How long did you live there?

10 A. I lived there for almost ten years.

11 Q. You have three children?

12 A. I do.

13 Q. All of them over the age of eighteen?

14 A. Yes.

15 Q. And those are Vincent, Brittany and Daniel?

16 A. Daniel.

17 Q. Your son, Vincent, attended Binghamton School
18 District prior to Vestal School District, correct?

19 A. Yes.

20 Q. How long did he attend school there at
21 Binghamton?

22 A. He attended up to the eighth grade.

23 Q. What grade did he start, kindergarten?

24 A. Yeah. Yes.

25 Q. Was Vincent ever suspended while he was

1 sending a kid out, she thought a kid was smoking
2 cigarettes or something in the class. She sent, she
3 sent the kid to the office. And as she was coming back
4 in, she dropped the F bomb and Vincent heard her. So
5 when he called her an F'ing racist, she sent him down to
6 the office.

7 Q. And it was on the way to the office that you,
8 he was on the way down to the office when you reached
9 him on the phone?

10 A. Right.

11 Q. Okay. Did you ever call Miss Dyer back?

12 A. I did.

13 Q. When did you call Miss Dyer back?

14 A. I don't remember the time, but after I spoke
15 to Vincent, I tried reaching her. I don't think I had
16 gotten through to her. But then she called me sometime
17 after that and I --

18 Q. Was it the same day?

19 A. It was the same day, like towards, I want to
20 say towards the ending of the school.

21 Q. Tell me about your conversation with Miss
22 Dyer.

23 A. I -- You know -- I told her who I was. And
24 I said, I got your message. And I also spoke to Vincent
25 and Vincent told me you said you were F'ing sick of the

1 niggers. And he asked you what you said, and you didn't
2 answer him. You, he said she kind of bent her head.
3 And that's when he called you an F'ing racist, so.

4 Q. How did she respond?

5 A. She was like, "Oh, my God, I would never say
6 that." And I said, "Well, for Vincent to call you an
7 F'ing racist, you had to make a comment to make him use
8 those words to you. He wouldn't just stand up and say,
9 "Oh, you're a fucking racist." I said, "What happened
10 before that?" And she never answered me.

11 Q. Did she tell you that she had told Vincent to
12 go down to the office because he wouldn't turn off his
13 phone?

14 A. She said he was playing music in the
15 classroom or game. She said he was playing a game. And
16 when I asked Vincent, he said, mom, I had one earplug in
17 and I had the other one out. And I was playing music.
18 I wasn't playing no video. Which a lot of the kids does
19 that. Doesn't make it right, but.

20 Q. You do understand it was against the rules
21 for him to be doing that?

22 A. Yes.

23 MR. SPAGNOLI: All right. I think
24 we need to take a break and get the Judge on
25 the phone here.

1 him, why didn't you come and tell me. He said, well,
2 you always say to be respectful to the teacher. He
3 said, when she put us in the pen, I stayed in my seat.
4 Two of the other kids or three of them left and went to
5 different areas in the classroom. And I said, well, why
6 didn't you come and tell us, because I'm not sending you
7 to school to be treated like an animal. I'm sending you
8 to school to get an education.

9 So then we got into the her mumbling under
10 her breath about these F'ing niggers. And he said he
11 got up, he had the one thing in his ear. And he said to
12 her, "What did you say? What did you say?" And she
13 bent her head. She didn't say anything. And he said
14 and I called her an F'ing racist.

15 Q. Are you describing a discussion after you
16 left the school?

17 A. That's what you asked me.

18 Q. I want to make sure.

19 A. Yes. In my home.

20 Q. This is a discussion you had after you left
21 the school with Vincent?

22 A. Yes. With my husband and Vincent and
23 myself.

24 Q. And that discussion was the first time
25 Vincent brought up the whole thing about the seating?

1 kid's name.

2 Q. Do you remember any of their names?

3 A. No.

4 Q. Do you remember whether they were boys or
5 girls?

6 A. I think they were one girl and two or three
7 boys.

8 MS. PAYNE: Did you say this is 19?

9 MR. SPAGNOLI: Yes. Continuing in
10 sequence from the previously marked
11 documents.

12 (Exhibit 20 marked for Identification)

13 Q. Mrs. Spero, I'm showing you what's been
14 marked as Exhibit 20.

15 A. Um-hmm.

16 Q. Do you recognize that document? I'm sorry?

17 A. This is the first time I'm seeing this.

18 Q. Would you please turn to the second page of
19 the document. Down near the bottom, there is a line
20 that's labeled signature of parent slash guardian,
21 correct?

22 A. Yes.

23 Q. Is that your signature on the line?

24 A. No.

25 Q. Is that your husband's, your late husband's

1 signature?

2 A. Yes.

3 Q. Do you recognize the other -- well, below
4 that, there is a signature that appears to read Michelle
5 Lewis or something to that effect, correct?

6 A. Yes.

7 Q. Other than those signatures and the dates, do
8 you recognize the handwriting on the rest of the
9 document?

10 A. Yes.

11 Q. Is that your late husband's handwriting?

12 A. Yes.

13 Q. And directing your attention to the first
14 page. There is a box that has at the top of it, "Is the
15 student Hispanic, Latino or of Spanish origin," correct?

16 A. Yes.

17 Q. And did your husband check that your son was
18 white?

19 A. Yes.

20 Q. Did you disagree with your husband about
21 that?

22 A. No.

23 Q. After the day that the police came to your
24 house about the gun video, how did you observe Vincent
25 to act?

1 Q. Mrs. Spero, I'm showing you what's been
2 marked as Exhibit 21. Let me just ask you, do you
3 recognize this as a settlement proposal that was made
4 with respect to the Superintendent's Hearing and the
5 related issues?

6 A. I. I do remember --

7 Q. Okay.

8 A. -- somewhat of this here document.

9 Q. I stand corrected on my description. In
10 paragraph three, it says that Vincent would agree to
11 receive home tutoring for the remainder of the school
12 year in order to complete his graduation requirements,
13 that's what it says, correct?

14 A. Um-hmm. Yes.

15 Q. And it's your understanding that that was
16 with an eye toward having him graduate at the same time
17 as his class, correct?

18 A. Yes.

19 Q. Did you try to have Vincent enrolled at
20 Binghamton City School District while the
21 Superintendent's Hearing was going on?

22 A. Several schools.

23 Q. Was one of them Binghamton?

24 A. Yes.

25 Q. Did that include an attempt to have him

1 register at Binghamton City School District as homeless?

2 A. No.

3 Q. When you attempted to have Vincent enrolled
4 at Binghamton City School District, where was he living?

5 A. Vincent and I were going to move to
6 Binghamton. I had found an apartment. One --

7 Q. Well, let me ask you: At the time that you
8 tried to register him with Binghamton City School
9 District, where was he actually living at that time?

10 A. In Vestal.

11 Q. At the family home?

12 A. Yes.

13 Q. Were there any nights that he didn't sleep at
14 the house?

15 A. Well, he used to go to his friend's in
16 Binghamton.

17 Q. How often?

18 A. A couple nights a week.

19 Q. Who was his friend?

20 A. Oren T. [REDACTED].

21 Q. He would spend the night there?

22 A. Yes.

23 Q. Except for the nights that he spent at Oren
24 T. [REDACTED]'s house, did he eat meals at the family home?

25 A. Yes.